

**DRAFT**  
**Hayes Township Planning Commission**  
**Public hearing on a request for a Special Use Permit**  
**March 13, 2019**

Members attending: Omar Feliciano (Vice-Chair), Doug Kuebler, Ed Bajos, Roy Griffiths (Chair), Cliff Biddick, Marilyn Morehead. Excused Absent: Matt Cunningham (Board of Trustee, Representative)

Also Present: Warren Nugent, Kristin Baranski, Larry Sullivan

Audience Members who signed in: Shirlene Tripp, Paul Zardus, Katy Hill, Marilyn Barber-McCombs, Doug McCombs, Lisa Kuebler, Eric Richie, Troy Broad, Joe Quandt , Michelle Rick Biddick, Robert Berg, Dennis Loewenstein, Jeffery Willard, Connie Foster, Max Mittleman - JRHW, Jim and Diane McMahan, Nancy Simon, Donald Smith, Scott Hovart, Larry Salmeto, Abe Manthei, Paul Hoadley, Sue McGregor, Mark Pelath, David Zipp, John Kughman, Vince Carpenter, Bob Jess, Beth Shepard, Julie Collard, Robyn Stanford, Mary and Craig Williams, Mike Pang, Robin Pugh, Scott Pugh, Betty Henne, Barbara Winter, Ron Winter, Bill Henne, Lynn Czar, Ron Czar, Jerry Simpson, Rhea Dow, Mike Dow, Curt Brocil, Judy Brocil, Jeff Basusta, Gary Janz, Bonnie Johnson, Steven Katz, Carol Greenslade, Rex Greenslade, Ron VanZee, John Drowl, Keith and Barb Bales, Anna Derenoslxx, Edward and Pam Newcomb, Kelsey Nelter, Tim Novotny, Gordon Coupton, John Warner

The purpose of the meeting was to consider a request for a Special Use Permit to install a concrete batch plant upon the property located at 07889 Boyne City/Charlevoix Road having the tax identification numbers of 15-007-002-011-00 and 15-007-002-009-00 with said property being zoned industrial and agricultural.

The Planning Committee Public Hearing on an application for a Special Permit Use was called to order by Roy Griffiths, Chairperson, who asked everyone to join in the Pledge of Allegiance. This was followed by a review of the agenda.

Mr. Griffiths welcomed everyone and thanked everyone for attending. He then summarized the procedure for the meeting. The meeting will start with the presentation by the applicant for the proposed project, followed up by a report by the zoning administrator, and then he will open it up for public comment. Mr. Griffiths clarified the public comment portion of the meeting by stating: Those who wish to speak will be called on in the order they signed in on the signup sheet. Due to the anticipated number of people signed up to comment, each person will be limited to 3 minutes. Due to several requests, a person can yield their 3 minutes to another person at the rate of 1 minute for each 3 minute allotted time. Each speaker will state their name, whether they are a resident, property owner or representative. Mr. Griffiths reminded the public to clearly state their name, direct all comments to the planning commission, keep all comments brief and to the point and please don't talk while others are speaking. Mr. Griffiths also stated the planning commission will not be responding to comments

43 tonight due to the fact that the purpose of this meeting is to accept comments and feedback. Mr.  
44 Griffitts then stated that at the close of the public comments the Planning Commission would recognize  
45 all correspondence that have been received and the correspondences will be included in the file of the  
46 meeting. After that action the applicant will offer clarification to their presentation if needed. The  
47 commission will then close the public hearing and begin deliberation.

48  
49 Mr. Griffitts asked the commission if there are any conflicts of interests. All members stated no. At this  
50 point he opened the public hearing.

51  
52 The applicant began his presentation.

53  
54 Troy Broad, President and owner of Elmer's spoke. He is the applicant property owner. He and his  
55 brother and sister own the company that has been in business 62 years. Serving the community is one of  
56 the most important things. They employ 478 people in Michigan, from Grand Rapids to the U.P. They  
57 were very interested in this property because it being zoned industrial and functioning in a business  
58 realm very similar to theirs. They wanted to clean it up and make it something everyone was proud of.  
59 They became very concerned about the stack of letters from people against their proposal. At this time,  
60 Mr. Broad from Elmer's asked to postpone and reflect on the community's concerns. They have been  
61 talking with Scott Howard, an attorney representing some of the land owners in the area, and would like  
62 to open up a dialog to help understand what they can do to make their proposal better, something they  
63 are proud of. They would like to postpone the Planning Commission's consideration of their application  
64 and take some time to see if this is the road they want to go down.

65  
66 Mr. Griffitts acknowledged the request to table this application.

67  
68 Mr. Banjos motioned to table the consideration of the application per the request of the applicant.

69  
70 Joe Quandt, attorney for Elmer's, clarified the terms "postpone" versus "Table".

71  
72 Troy restated that they would like to postpone consideration until they come back and resubmit if that  
73 is what they decide to do.

74  
75 Mr. Griffitts replied that they need to postpone to a date and time and if at that time they are not ready  
76 they can postpone again. Troy agreed.

77  
78 Mr. Griffitts stated the next regular Planning Commission meeting will be held on April 16th, 7 p.m.

79  
80 Mr. Bajos made a motion to postpone consideration of the application until April 16, 2019. Marilyn  
81 Morehead seconded the motion. Mr. Griffitts took a roll call vote.

82 Yeas: Cliff Biddick, Omar Feliciano, Doug Kuebler, Ed Bajos, Roy Griffitts

83 Nays: None

84 Abstained: Marilyn Morehead

85 Motion carried.

86

87 Mr. Griffitts officially postponed application and stated that it would be taken up at April 16th meeting.

88

89 Frank Sheppard asked for clarification on if Mr. Broad said he would come back in a year or so and that

90 Mr. Griffitts said April 16th. Mr. Broad stated that was wrong, that he had up to a year to postpone and

91 that he was pleased to come back in April.

92

93 Ms. Morehead then clarified why she abstained from voting. She understood the applicant's position

94 but she felt it is unfair to all the people to come out to the meeting and not have their voices heard.

95

96 Mr. Griffitts stopped all public comments at this point.

97

98 Scott Howard, an attorney from Traverse City, who has been in communication with Elmer's, supports

99 their decision to "Take a pause" and reminds the planning commission that according to the open

100 meeting act the commission is required by law to take public comments at this meeting.

101

102 Another comment from the public was called out that all names of people who sent letters should be on

103 record.

104

105 Mr. Griffitts voiced concerns that any public comments may be premature because if the application is

106 amended the comments may not be relevant to the amended application. The Mr. Howard then

107 suggested to the planning commission that they encourage people to show up at the next meeting and

108 speak on the new application. Mr. Howard also stated that if anyone has a burning desire to speak

109 tonight that under the open meeting act they may do so.

110

111 Question came from the audience, asking about notification of next meeting. Mr. Griffitts replied that

112 the same process as before, the amended application will be on website and meeting date and time will

113 be posted.

114

115 There was another public comment stating that each item on the agenda needs to be voted on to

116 amend or the agenda needs to be followed. Public comment regarding that the applicant, although

117 requested a postponement, he also made the comment that he would like to hear the public comments.

118

119 Mr. Griffitts agrees to have public comments. He returns to the agenda and proceeds with the next

120 item, Report from the Zoning Administrator. Larry Sullivan (Zoning Administrator) gives his report

121 regarding application. He has spent hours making copies and packets for all board members

122 (Approx.250 pages of comments). He has checked with the Road Commission and the Health

123 Department. He has spoken with the County Road Commission, the District Health Department and the

124 County Department of Building and Safety Department. The Road Commission said there may need to

125 be some minor tweaks to deceleration lanes along this property. The Department of Building and Safety

126 stated that upon review of the current proposed plans, less storm water runoff would occur due to

127 change in the amount of impervious surfaces, (I.e. removal of buildings) than with previous business.  
128 Mr. Sullivan added for the record, that all property owners within 300 feet of property were notified in  
129 writing well in advanced of the required 15 day required by law and that the special permit meeting was  
130 advertised in the Petoskey News Review.

131  
132 Mr. Griffiths opened the public comments.

133  
134  
135 PUBLIC COMMENTS:

136  
137 Paul Zardus- defer

138 Katie Hill- defer

139 Doug McCombs- Wife is Marilyn, lives at Maple Grove/Boyne City Road. They requested to be notified if  
140 meeting would be delayed again. He commented on the park activity at Elmer's, 7 a.m. every day  
141 through the evening hours. Tailgates bang all day long. Also he has road concerns. Questions regarding  
142 if all the money spent on Camp Seagull Park would be a compromised investment

143 Lisa Kuebler- defer

144 Robert Berg- 5131 Maple Grove, lives very close to Elmer's. Says Hayes Township is broke, concerned  
145 about defense fund if this goes through. Also has the board considered the loss in property taxes  
146 because of lowered property values? He asked to have those 2 numbers at next meeting.

147 Dennis Loewenstein- disabled veteran, has asthma and COPD, worried about health risks and townships  
148 responsibility. Concerned about additives in cement, ground water and air, Township does not have  
149 experts, Slag in cement, cement not benign. Bond for clean up?

150 Connie Foster-defer

151 Jim McMahon- Pollution and contaminations concern; referenced Bay Harbor; Spent millions in Bay  
152 Harbor to mitigate

153 Donald Smith- New resident to Hayes Township; Ruin character of pretty drive; interested in character  
154 of people at Elmer's

155 Scott Howard-defer

156 Larry Salmeto- defer

157 Abe Manthei- defer

158 Paul Hoadley-resident/Quarterline rd; suggested to Mr. Griffiths to sit down with the DEQ (experts); a  
159 couple things to keep in mind: line of sight where trucks come out of property and shielding (visual/spot  
160 zone; shouldn't be visible to neighbors/people

161 Mark Pelate- defer

162 David Zipp- lifelong resident; thanked Elmer's for postponing; in favor of project

163 John Kughman- defer

164 Robyn Stanford- Hopes that everyone takes time to read zoning and master plan. She received  
165 information from her attorney and this project violates everything/ rezone back to residential

166 Mary & Craig Williams- have lived on Burgess for 20 years; A factory does not belong on Boyne City  
167 Road; gravel pit is way different than tower; Elmer's has a good reputation but this is not a good fit;

168 wear and tear on road; money township put into camp property; noise of trucks/cement making; DEQ;  
169 What happens to dust off cement factory? Cement dust is an issue in Charlevoix  
170 Mike Pugh- No special need for special permit because it shouldn't happen. Was that the neighborly  
171 thing to do? Come here to tell us you want to postpone? Do the neighborly thing and find another use  
172 for the property or sell it.  
173 Betty Henne- She lives 1500 feet from the proposed project. She owns a small farm. She is concerned  
174 about noise, dust and heavy traffic. Do not want peace of home nor the neighbors to be disturbed by  
175 cement plant.  
176 Barb Winter- defer  
177 Ron Winter- defer  
178 Bill Henne- defer  
179 Lynn Czar- She moved here last August. She loves it. She is concerned about emissions, noise, and dust.  
180 She has a friend who lives by the cement factory in Charlevoix and she needs to keep her windows shut  
181 year round because of dust from factory.  
182 Ron Czar- He has been coming to Lake Charlevoix for 25 years. If he had known about this project he  
183 never would have bought his home. He is concerned how this will affect neighbors. He said to ban  
184 together so this doesn't happen. This affects a lot of people. He said Elmer's should be ashamed of the  
185 cement company. This is destroying people's lives. He is concerned about health and property values.  
186 No businesses in area. How does township benefit?  
187 Jerry Simpson- 40 year resident. He lives 1200 feet from Smith (Elmer's) property. Is it a cement factory  
188 or a cement mixing plant? Those are two very different things. He listened to Smith Trucks for 39 years;  
189 they were loud. It has been quiet. The wind blows directly at his property bringing dust and noise.  
190 Jeff Basista- 8449 Quarterline Road; He spoke with the DEQ in Gaylord and they suggested that Elmer's  
191 has a formal meeting with the DEQ. Also concerned about damage to the county road, asking Elmer's  
192 for a bond for road damage.  
193 Bonnie Johnson- Her family neighbor was Clarence Smith. She gave a short history regarding the  
194 property and surrounding properties. This was not so much an industrial area as it was three neighbors  
195 that each had a small business that were respectful of one another. She believes that when those 3  
196 businesses were closed, the properties should have all returned back to residential zoned.  
197 John Donahue- defer  
198 John Warner- Lives across the street; with all of the hauling and dumping of all of the stuff from the  
199 camp, they couldn't keep their house clean from all the dust and dirt.  
200 Timothy James Novotony- He lives across from the (proposed) plant. He is concerned about cement  
201 trucks. He believes a truck would need to arrive at 5 a.m. for a 7 a.m. job. He advised the planning  
202 commission to "read rules and follow what you read." He also commented on the tailgate banging  
203 issue.  
204  
205 Planning Commissioner, Mr. Griffiths, closed public comments at 8:03 p.m.  
206  
207 Larry Sullivan, zoning administrator, read out loud the names of all correspondence received by  
208 township. (All correspondences available for review at the Hayes Township Office)  
209

210	F.L. Dammann	email	Feb. 26
211	Bill Henne	email	Feb. 26
212	Sara Gay Dammann	email	Feb. 21
213	Benjamin Fowle	email	Feb. 21
214	Jonathan Friendly	email	March 2
215	Nancy Eklund	email	March 3
216	Rex Greenslade	email	March 3
217	Ellis Boal	email	March 3
218	Howard Newkirk	email	March 4
219	Carol Greenslade	email	March 4
220	Keith Bales	email	March 4
221	Maureen Whitehead	email	March 4
222	Greta Johnson	email	March 4
223	Duncan MacEachern	email	March 4
224	Bert Ulrich	email	March 4
225	Wendy Alterman	email	March 4
226	Joseph Sinacola	fax	March 4
227	Donald Smith	fax	March 4
228	Marnie Parrott	email	March 4
229	Joseph Hesse III	email	March 4
230	Keith Bales	email	March 4
231	Nancy Simon (via Roy Griffitts)	email	March 4
232	Jim Carter	email	March 5
233	Michael Dow	mail	March 1
234	Robert Berg	mail	March 4
235	Barbara Winter	email	March 5
236	John McClorey	email	March 5
237	Sara Gay Dammann via Marilyn Morehead		
238	(may be a repeat)	email	Feb 25/March 5
239	Mary Dignan via Marilyn Morehead	email	March 6
240	Winnie Boal via Marilyn Morehead	email	March 6
241	The following two items from Ellis Boal differ a bit		
242	Ellis Boal	email	March 6
243	Ellis Boal	email	March 6
244	Marilyn Morehead	email	March 6
245	Pamela Newcomb via Roy Griffitts	email	March 6
246	Tom Mueller	email	March 7
247	Ralph Sustar	email	March 7
248	Susan MacGregor	mail	March 4
249	Haggard's Plumbing and Heating	mail	February 26
250	Jeff Sinclair	mail	March 4
251	Celia Sinclair	mail	March 4

252	Mary Ann Becker	mail	March 4
253	Bruce Becker	mail	March 4
254	Charlevoix County Road Commission	mail	March 5
255	Ron & Barb Winter	mail	March 5
256	Mary Dignan via Marilyn Morehead	email	March 6
257	Keith Bales (photo)	email	March 7
258	Jim & Jody Janovsky	email	March 7
259	Michael Pung	email	March 8
260	Laura Packer	fax	March 8
261	Anthony Cannarsa	fax	March 8
262	Anthony Cannarsa Jr.	fax	March 8
263	Michael Cannarsa	fax	March 8
264	Eric Richie (Team Elmer's)	email	March 8
265	Road Commission Letter		
266	Health Department Letter		
267	Depart. Of Building Safety		
268	Kimberly Flynn (Scott Howard)	email	March 8
269	Lois Duiven	email	March 9
270	Thomas Saeli	email	March 10
271	Dan Filchak via Marilyn Morehead	email	March 10
272	Donald & Janeen Smith via R. VanZee	fax	March 4
273	Bryan Graham	email	March 7
274	Dan Dryden	email	March 4
275	James Dallacqua via R. VanZee	email	March 5
276	Stewart Boal	email	March 8
277	Randy & Stacy Bell	mail?	March 10
278	Morgan Henninger via M. Morehead	email	March 11
279	Joseph Quandt (Kuhn and Rogers PLC)	email	March 11
280	Beth Shepard via Omiemedia	email	March 12
281	Timothy A, Stoeper	email	March 12
282	Rob Baum	email	March 12
283	Randy Bell	email	March 12
284	Louis Cannon	email	March 12
285	Carlos Jaramillo	email	March 12
286	Carl Weiss	email	March 13
287	Hassan Azar	email	March 13
288	Stephan Conway	email	March 13
289	Donald Baum	email	March 13
290	S. Howard (Olson, Bzdok & Howard)	fedex	March 11
291	Tip of the Mitt Watershed Council	email	March 11
292			

293 Ms. Morehead clarified that she didn't comment on any emails that she forwarded to township that  
294 were sent to her attention directly.

295  
296 For most accurate information Mr. Sullivan shared his email as being zoning@thayestownmi.gov.

297  
298 Max Mittleman has a letter to get recorded.

299  
300 Mr. Griffiths closed the public hearing at 8:12 p.m.

301  
302 Cliff Biddick motion to adjourn, seconded by Marilyn Morehead. Motion accepted 8:13 p.m.

303  
304 Yeas: Omar Feliciano, Doug Kuebler, Ed Bajos, Roy Griffiths, Marilyn Morehead, Cliff Biddick  
305 Nays: none

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307  
308  
309  
310  
311

312 Complied By,

313  
314  
315  
316 Kristin Baranski Deputy Clerk/Recording Secretary

317  
318  
319  
320 Minutes submitted as approved by,

321  
322  
323  
324 Omar Feliciano, Planning Commission, Secretary